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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/938,727

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Seiji Sugimura

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STAAS & HALSEY LLP

SUITE 700

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

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DELIVERY MODE

11/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/938,727	<b>Applicant(s)</b> SUGIMURA, SEIJI	
	<b>Examiner</b> Etienne P. LeRoux	<b>Art Unit</b> 2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-10,13-18,21-23 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10,13-18,21-23 and 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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***Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/2008 has been entered.

***Claim Status***

Claims 1-3, 6-10, 13-18, 21-23 and 30-35 are pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claim 1 recites:

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controlling access to the information processing apparatus, based upon the stored transmission log information and the registration center

The specification does not include:

- (1) controlling access
- (2) stored transmission log information
- (3) based upon the stored transmission log information and the registration center

Claims 2 and 3 are rejected for at least being dependent from rejected claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-10, 13-18, 21-23 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 6,891,819) in view of Park (US 5,828,314).

Regarding claim 1, 6, 8, 13, 15, 16, 21, 23, 30, 31, 32, 33, 34, 35, Inoue discloses:

a storage unit [Inoue, Fig 13, 153, comparison unit)

and a processor [Inoue, Fig 13]

detecting a password input error at the information processing apparatus [Inoue, Fig 11, 123, comparison unit]

registering information in a first database of the registration center when the password input error is detected [Inoue, Fig 13, 151, failed attempts register, Fig 13, 5, home agent]

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storing transmission log information related to the registration in the registration center into said storage unit of said information processing apparatus [Inoue, Fig 11, 121, failed attempts counter]

controlling access to the information processing apparatus, based upon the stored transmission log information and the registration center [Inoue, col 11, lines 1-10, user authentication fails after repeating exchange of messages a prescribed number of times, Fig 12, S26, stop transmission of subsequent messages, col 12, lines 35-45]

Inoue discloses the elements of the claimed invention as noted above but does not disclose information identifying the information processing apparatus. Park discloses information identifying himself or herself, e.g., a user number, and identification of his or her paging device 12, i.e., a paging device serial number, also the user should be required to provide a password, col 6, lines 1-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Inoue to include information identifying the information processing apparatus based on the teaching of Park for the purpose of identifying when a mobile computer is stolen [Inoue, col 12, lines 20-35]

Regarding claim 2, 9, 17, the combination of Inoue and Park discloses wherein the controlling of access to the information processing apparatus comprises accessing a second database of the registration center if the transmission log information is stored in said storage unit of said information processing apparatus, and locking the information processing apparatus if the information identifying the information processing apparatus is registered in the first database or the second database [Inoue, Fig 12, S26, stop transmission of subsequent messages]

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Regarding claim 3, 10, 18, the combination of Inoue and Park discloses wherein said processor outputs a warning if the information related to the information processing apparatus is registered in the second database [Inoue, col 11, line 1]

Regarding claim 7, 14, 22, the combination of Inoue and Parks discloses wherein said processor deletes the information related to the first apparatus from said first database when a request to delete the information related to the first apparatus is received with respect to said first database and/or deletes the information related to the first apparatus from the second database when a request to delete the information related to the first apparatus is received with respect to said second database, in response to the transmission from the second apparatus [Inoue, claim 14].

### ***Response to Arguments***

Applicant's arguments file 9/14/2008 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday through Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Etienne P LeRoux/  
Primary Examiner, Art Unit 2161

11/17/2008